

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

OWEN P. MARTIKAN (CABN 177104)
Assistant United States Attorney
450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: owen.martikan@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MICHAEL LINDSAY,)
)
Defendant.)

No. CR 3:12-71210 MAG (LB)

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
NOVEMBER 15, 2012 THROUGH
NOVEMBER 26, 2012, AND
CONTINUING PRELIMINARY HEARING
UNTIL DECEMBER 14, 2012

The defendant, MICHAEL LINDSAY, represented by EDWARD HU, and the government, represented by OWEN P. MARTIKAN, Assistant United States Attorney, hereby stipulate and ask the Court to exclude the time between November 15, 2012, and November 26, 2012, under the Speedy Trial Act based on continuity of defense counsel, the necessity for defense counsel's effective preparation through review of discovery and due to the government's pending motion for detention. The parties stipulate that, taking into account the exercise of due diligence, the ends of justice served by excluding the time between November 15, 2012, and November 26, 2012, from computation under the Speedy Trial Act outweighed the best interests of the public and the defendant in a speedy trial.

1 The parties further stipulate that for the same reasons, good cause exists to continue the
2 time for preliminary hearing under Fed. Crim P. Rule 5.1 from November 26, 2012, until
3 December 14, 2012.

4 SO STIPULATED:

5 MELINDA HAAG
6 United States Attorney

7 /s/

8 DATED: November 15, 2012

9 OWEN P. MARTIKAN
10 Assistant United States Attorney

11 /s/

12 DATED: November 15, 2012

13 EDWARD HU
14 Attorney for Michael Lindsay

15 **~~{PROPOSED}~~ ORDER**

16 Based upon the representation of counsel and for good cause shown, the Court finds that
17 failing to exclude the time between November 15, 2012, and November 26, 2012, would
18 unreasonably deny defense counsel the reasonable time necessary for effective preparation
19 through the review of discovery, and would deny the defense continuity of counsel, taking into
20 account the exercise of due diligence, and that the ends of justice served by excluding this time
21 outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds
22 that this time should be excluded based on the pendency of the government's motion for
23 detention.

24 The Court further finds, based on the same reasons, that the time for preliminary hearing
25 pursuant to Fed. Crim. P. Rule 5.1 should be continued until December 14, 2012.

26 Therefore, IT IS HEREBY ORDERED that the time between November 15, 2012, and
27 November 26, 2012, shall be excluded from computation under the Speedy Trial Act, and that
28 the time for preliminary hearing shall be continued until December 14, 2012. 18 U.S.C. §§

1 3161(h)(7)(A) and (B)(iv); Fed. Crim. P. Rule 5.1.

2
3 DATED: November 26, 2012



HON. LAUREL BEELER
United States Magistrate Judge